THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3598 of 2000

Dated : 02.07.2007

Between:

T.Rajender S/o T.K.Ramaiah and others.

..... PETITIONERS

And:

The A.P.Transco, rep., by its Managing Director and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3598 of 2000

ORDER:

Petitioners are residents of Patel Residency, Masab Tank, Hyderabad. The flats of the petitioners were originally owned by one Syed Mushtaq Ahmed, who in turn, executed General Power of Attorney in favour of M/s Patel Constructions Company, from whom, petitioners purchased the flats. After purchase, petitioners applied to the respondents for supply of electricity to their flats. However, the respondents alleged to have not acted upon their applications and not released the power supply, on the ground that the erstwhile owner pilfered the energy and action has been initiated against him. Hence, this writ petition, seeking a direction to the respondents to provide electricity connection to the flats of the petitioners and treat them as independent consumers without reference to any dues/arrears by the

previous owner of the premises.

A counter-affidavit is filed on behalf of the respondents, wherein it is stated that the erstwhile owner of the premises was in arrears of electricity charges and hence, the respondents have not accepted the applications of the petitioners.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

This Court, while issuing rule nisi, directed the respondents to accept the applications given by the petitioners and also directed the respondents to provide electricity connection. Pursuant thereto, electricity is provided to the flats of the petitioners.

May be it is true that the vendor of the petitioners was in arrears of electricity charges, for that, in my considered view, petitioners cannot be faulted and they shall not be deprived of electricity connection. If there are any dues from the erstwhile owner of the flats of the petitioners, the respondents may realize the same by instituting any suit or initiate proceedings. However, as this Court granted an interim direction, pursuant to which petitioners are provided with electricity connection, in my view no furthers are required in this writ petition. As observed above, if there are any dues/arrears from the erstwhile owner, the respondents are always at liberty to proceed against him in accordance with law.

It is brought to the notice of this Court by the learned counsel for the petitioners that in spite of the orders of this Court dated 06.03.2000, directing the respondents to receive the applications and provide them with electricity connection, they did not do so till May 2000 and they were forced to pay an amount of Rs.1,55,000/-, and thereafter only electricity supply was given. The learned Standing Counsel also does not dispute the deposit made by the petitioners. Therefore, respondents are hereby directed to refund the said amount as and when they collect arrears/dues from the erstwhile owner.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

02.07.2007

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